

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

MOSES MACK MILLER

CIVIL ACTION NO. 19-0308

VS.

SECTION P

CAMERON EASTERLING, ET AL.

JUDGE TERRY A. DOUGHTY

MAG. JUDGE KAREN L. HAYES

JUDGMENT

The Report and Recommendation of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,

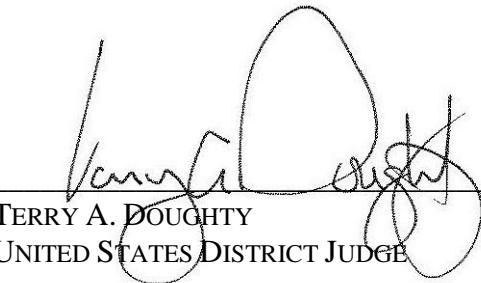
IT IS ORDERED, ADJUDGED, AND DECREED that Plaintiff Moses Mack Miller's conditions-of-confinement claim against Warden Lee, as well as Plaintiff's claims against Franklin Parish Detention Center, Secretary James LeBlanc, Sheriff Kevin Cobb, and Captain Randy Sewell are **DISMISSED WITH PREJUDICE** as frivolous and for failing to state claims on which relief may be granted.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's excessive force claims against Cameron Easterling and Lieutenant Bordelon are **STAYED** under the following conditions:

- a. If Plaintiff intends to proceed with his claims, he must, within **thirty (30) days** of the date the criminal proceedings against him have concluded, file a motion to lift the stay;
- b. If the Court lifts the stay and finds that Plaintiff's claims would impugn the validity of his conviction, the claims will be dismissed under *Heck*; if no such finding is made, the claims will proceed absent some other bar;
- c. Defendants Easterling and Bordelon shall not be required to answer during the stay; Plaintiff may not seek a default judgment against Easterling and

Bordelon during the stay; and Plaintiff may not conduct any discovery with respect to his excessive forms claims against Easterling and Bordelon during the stay, except to the extent the discovery is relevant to either his claims of lack of medical care against Nurse Daina and Warden Lee or his First Amendment claim against Warden Lee.

MONROE, LOUISIANA, this 2nd day of July, 2019.



TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE